

# COMMITTEE REPORT

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## MR. PRESIDENT:

The Senate Committee on Agriculture and Small Business, to which was referred House Bill No. 1075, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, line 4, delete "any".
- 2 Page 2, line 5, delete "and".
- 3 Page 2, line 6, delete "regulations promulgated hereunder" and
- 4 insert "**adopted under this chapter**".
- 5 Page 2, line 16, delete "does not include" and insert "**includes**".
- 6 Page 2, line 22, strike "barnyard".
- 7 Page 3, between lines 16 and 17, begin a new line block indented
- 8 and insert:
- 9 "**(20) "Use" means the process of placing fertilizer to promote**
- 10 **plant growth.**".
- 11 Page 4, line 37, delete "the" and insert "**The**".
- 12 Page 4, line 38, delete "the" and insert "**The**".
- 13 Page 4, line 39, delete "the" and insert "**The**".
- 14 Page 6, between lines 5 and 6, begin a new paragraph and insert:
- 15 "SECTION 5. IC 15-3-3-7 IS AMENDED TO READ AS
- 16 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) It is the duty of
- 17 the state chemist to sample, inspect, make analysis of, **and** test
- 18 commercial fertilizers distributed within Indiana, and **to** inspect the
- 19 storage of bulk fertilizers in Indiana at a time and place and to such an
- 20 extent as necessary to determine whether the commercial fertilizers and

1 their storage are in compliance with this chapter. The state chemist may  
 2 enter upon any public or private premises during regular business hours  
 3 in order to have access to ~~commercial~~ fertilizers **and plans** and records  
 4 relating to ~~their~~ **the** transportation, storage, ~~and~~ sale, **and use of**  
 5 **fertilizers**, subject to this chapter and the rules adopted under this  
 6 chapter.

7 (b) The methods of sampling and analysis shall be those adopted by  
 8 the state chemist from sources such as those of AOAC International. In  
 9 cases of dispute, AOAC International's methods prevail if such are  
 10 available.

11 (c) The state chemist, in determining for administrative purposes  
 12 whether any commercial fertilizer is deficient in plant foods, shall be  
 13 guided solely by the official sample obtained and analyzed as provided  
 14 in subsection (b).

15 (d) The results of the official analysis of a commercial fertilizer that  
 16 has been found to be subject to penalty or other legal action shall be  
 17 forwarded by the state chemist to the registrant at least thirty (30) days  
 18 before the report is submitted to the purchaser, except that on requested  
 19 inspections results shall be forwarded to the registrant and purchaser  
 20 at once. If during that period no adequate evidence to the contrary is  
 21 made available to the state chemist, the report shall become official.  
 22 Upon request, the state chemist shall furnish to the registrant a portion  
 23 of any sample found subject to penalty or other legal action."

24 Page 6, between lines 23 and 24, begin a new paragraph and insert:

25 "SECTION 7. IC 15-3-3-12 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. The state chemist  
 27 may adopt rules under IC 4-22-2 relating to the **use of fertilizer**  
 28 **material and the** distribution and storage of bulk commercial  
 29 fertilizers to implement this chapter, including rules that set forth

- 1 standards for the storage of bulk fertilizers for the purpose of protecting
- 2 the waters of the state."
- 3 Renumber all SECTION consecutively.  
(Reference is to HB 1075 as reprinted February 9, 2001.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 8, Nays 0.

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**Senator Nugent, Chairperson**